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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/407,293 | 09/29/1999 | JAMES ANTHONY BALNAVES | 169.1468 | 2576 |

| 5514 | 7590 | 04/07/2004 |
|---|---|---|

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| EXAMINER |
|---|
| YUAN, ALMARI ROMERO |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2176 | 15 |

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) | |
|---|---|---|---|
| **Office Action Summary** | 09/407,293 | BALNAVES ET AL. | |
| | Examiner | Art Unit | |
| | Almari Yuan | 2176 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 January 2004*.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-5,7,11-13,15,17-20,24 and 26-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,11-13,15,17-20,24 and 26-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.     This action is responsive to communications:  Request for Continued Examination filed

on 1/23/04 and Amendment filed 1/15/04.

2.     The rejection of claims 1, 3-4, 6, 15-16, 20-21, and 23-24 under 35 U.S.C. 103(a) as

being unpatentable over Taguchi and Microsoft Press has been withdrawn as necessitated by

amendment.

3.     The rejection of claims 2, 7-8, 13, 17-19, and 22 under 35 U.S.C. 103(a) as being

unpatentable over Taguchi, Microsoft Press, and Gill has been withdrawn as necessitated by

amendment.

4.     The rejection of Claims 9-10, and 14 under 35 U.S.C. 103(a) as being unpatentable over

Taguchi and Gill has been withdrawn as necessitated by amendment.

5.     The rejection claims 5, 11-12, and 25 under 35 U.S.C. 103(a) as being unpatentable over

Taguchi, Microsoft Press, Gill, and Jain has been withdrawn as necessitated by amendment.

6.     Claims 6, 8-10, 14, 16, 21-23, and 25 are cancelled. Claims 1-5, 7, 11-13, 15, 17-20, 24,

and 26-29 are pending in the case.  Claims 20, 26, 27, 28, and 29 are independent claims.

### *Continued Examination Under 37 CFR 1.114*

7.     A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection.  Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 1/23/04 has been entered.

## *Drawings*

8.      The formal drawings filed on 9/29/99 are objected to as indicated in the attached PTO-

948 form. Formal corrected drawings can be filed at allowance.

## *Claim Rejections - 35 USC § 102*

9.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.     **Claims 1-4, 7, 15, 17, 19-20, 24, 26 and 29 are rejected under 35 U.S.C. 102(e) as**

**being anticipated by Cajolet et al. (USPN 6,686,918 B1 – filed 3/1998).**

**Regarding independent claim 20**, Cajolet discloses:

A method of editing multimedia content (editing 3D animation, on col. 4, lines 12-25 and see

Abstract), the method comprising the steps of:

        deriving an attribute characterizing a duration of the multimedia content from meta-data

of the multimedia content (on col. 3, lines 5-21 teaches defining duration of the animation

produced from the element being determined by the positioning and sizing of the clip object

relative to the time line);

operating upon the attribute using pre-defined template to establish an editing process (on

col. 5, lines 17-65 and col. 6, lines 29-52 teaches using a time line area to produce an edit and/or

modify the information in an element) said editing process including a temporal mapping process

(on col. 5, lines 17-65 teaches duration of each clip is mapped to appropriate points in the

corresponding element which can be larger in total duration than the duration specified by its

corresponding clip) and an effects mapping process (on col. 1, lines 46-50 and col. 8, lines 52-61

teaches various effects can be applied to any clip or to an entire project),

said operating step determining the temporal mapping process in accordance with the

attribute (on col. 5, lines 17-65 teaches duration of each clip is mapped to appropriate points in

the corresponding element); and

applying the editing process to the multimedia content to thereby edit the multimedia

content (on col. 3, lines 5-21 teaches the user can edit or change the position or size of one or

more clip objects which alters the start time, end time and the duration).

**Regarding dependent claims 4 and 24**, Cajolet discloses:

applying the temporal mapping process to the multimedia content to produce modified

temporally structured data (on col. 5, lines 17-65 teaches duration of each clip is mapped to

appropriate points in the corresponding element; on col. 6, lines 29-52 teaches a time line area is

used to modify the clips of a corresponding element), and second applying the effects mapping

process to modified temporally structured data to produce the processed output content (on col.

1, lines 46-50 and col. 8, lines 52-61 teaches various effects can be applied to any clip or to an

entire project).

**Regarding independent claims 26 and 29**, Cajolet discloses:

A computer-based method of editing multimedia content (editing 3D animation, on col. 4, lines

12-25 and see Abstract) the method comprising the steps of:

deriving an attribute characterizing the multimedia content (on col. 3, lines 5-21 teaches

defining duration of the animation produced from the element being determined by the

positioning and sizing of the clip object relative to the time line);

operating upon the attribute using pre-defined template to establish a a computer-based

editing process (on col. 5, lines 17-65 and col. 6, lines 29-52 teaches using a time line area to

produce an edit and/or modify the information in an element; the time line area shows the

duration of the clip and when the clip is altered the duration is changed); and

applying the computer-based editing process to the multimedia content, thereby edit the

multimedia content (on col. 3, lines 5-21 teaches the user can edit or change the position or size

of one or more clip objects which alters the start time, end time and the duration).

**Regarding dependent claims 1 and 15**, Cajolet discloses:

the multimedia content is a data set comprising at least one of video data, still-image

data, and audio data (on col. 11-16 teaches the project comprises a series of elements such as

video, audio, still image, static 3D animation...);

the attribute characterizing the multimedia content comprises first meta-data derived from

the data set and possibly further derived from second meta-data associated with the at least one

data set (on col. 3, lines 5-21 teaches defining duration (attribute) of the animation produced

from the element being determined by the positioning (meta-data) and sizing (meta-data) of the

clip object relative to the time line);

the operating step comprises determining, depending upon the first meta-data, a set of

instructions from the pre-defined template (on col. 4, lines 66-67 and on col. 5, lines 17-65 and

col. 6, lines 29-52 teaches using a time line area to produce an edit and/or modify the

information in an element); and

the applying step comprises applying the instructions to the data set to produce processed

output data (on col. 8, lines 59-61 teaches applying functions to a clip or entire project to

produced a final edit).

**Regarding dependent claim 2**, Cajolet discloses:

receiving information from a user dependent upon a user perception of at least one of the

input data set, and the processed output data; and incorporating the user information into the first

meta-data (on col. 6, lines 28-52 teaches the user altering the start and ending of a clip using the

time line area to change the duration of the clip).

**Regarding dependent claim 3**, Cajolet discloses:

applying the temporal mapping process to the input data set to produce modified

temporally structured processed output data (on col. 5, lines 17-65 teaches duration of each clip

is mapped to appropriate points in the corresponding element; on col. 6, lines 29-52 teaches a

time line area is used to modify the clips of a corresponding element).

**Regarding dependent claim 7**, Cajolet discloses:

wherein the template is constructed using heuristic incorporation of experiential

information of an expert (on col. 4, lines 64-67, see figure 3 teaches the GUI consists of an

imaging area, function area, and an NLE time line area for editing).

**Regarding dependent claims 17 and 19,** Cajolet discloses:

constructing, using the template and the first meta-data, a series of directions which refer

to at least one of (a) segments of the at least one data set, (b) segments of the template, and (c)

other information; and resolving the references thereby to compile the directions into the set of

instructions (on col. 3, lines 5-21 and on col. 6, lines 29-52 teaches using a NLE time line area

to determine the positioning (meta-data) and sizing (meta-data) of the clip object relative to the

time line; within the time line area the duration of the clips can be altered by the user; the

changes made to the clips are applied the appropriate parameters of the elements).


### *Claim Rejections - 35 USC § 103*

11.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.


12.     **Claims 5 and 11-13, 18, 27 and 28 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over Cajolet et al. (USPN 6,686,918 B1 – filed 3/1998) in view of Shore et al.**

**(USPN 6,353,461 B1 – filed 6/1998).**

**Regarding independent claims 27 and 28,** Cajolet discloses:

A computer-based apparatus of editing multimedia content (Cajolet teaches editing 3D

animation, on col. 4, lines 12-25 and see Abstract), the method comprising the steps of:

deriving an attribute characterizing the multimedia content (Cajolet on col. 3, lines 5-21

teaches defining duration of the animation produced from the element being determined by the

positioning and sizing of the clip object relative to the time line);

operating upon the attribute using pre-defined template to establish a a computer-based

editing process (Cajolet on col. 5, lines 17-65 and col. 6, lines 29-52 teaches using a time line

area to produce an edit and/or modify the information in an element; the time line area shows the

duration of the clip and when the clip is altered the duration is changed); and

applying the computer-based editing process to the multimedia content, thereby edit the

multimedia content (Cajolet on col. 3, lines 5-21 teaches the user can edit or change the position

or size of one or more clip objects which alters the start time, end time and the duration),

off-board processor (Cajolet on col. 3, lines 43-59 teaches a computer system with an

Intel Pentium processor).

However, Cajolet does not explicitly discloses "capturing the multimedia content".

Shore on col. 2, lines 58-60 and col. 8, lines 61-67 teaches capturing live data using

cameras for editing.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Shore into Cajolet to provide a way to capture live data

using cameras for editing, as taught by Shore, incorporated into the project of multimedia

elements, as taught by Cajolet, in order to provide a near instantaneous reviewing and editing of

a motion picture or television production.

**Regarding dependent claim 5**, Shore discloses:

wherein the data comprises a live capture data set segment (Shore on col. 2, lines 58-60

and col. 8, lines 61-67 teaches live capture data).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Shore into Cajolet to provide a way to capture live data

using cameras for editing, as taught by Shore, incorporated into the project of multimedia

elements, as taught by Cajolet, in order to provide a near instantaneous reviewing and editing of

a motion picture or television production.

**Regarding dependent claims 11 and 12**, Cajolet discloses:

the multimedia content is a data set comprising at least one of video data, still-image

data, and audio data (Cajolet on col. 11-16 teaches the project comprises a series of  elements

such as video, audio, still image, static 3D animation...) ;

the attribute characterizing the multimedia content comprises first meta-data derived from

the data set and possibly further derived from second meta-data associated with the at least one

data set (Cajolet on col. 3, lines 5-21 teaches defining duration (attribute) of the animation

produced from the element being determined by the positioning (meta-data) and sizing (meta-

data) of the clip object relative to the time line);

the operating step comprises determing, depending upon the first meta-data, a set of

instructions from the pre-defined template (Cajolet on col. 4, lines 66-67 and on col. 5, lines 17-

65 and col. 6, lines 29-52 teaches using a time line area to produce an edit and/or modify the

information in an element); and

the applying step comprises applying the instructions to the data set to produce processed

output data (Cajolet on col. 8, lines 59-61 teaches applying functions to a clip or entire project to

produced a final edit).

**Regarding dependent claim 13**, Cajolet discloses:

wherein the template includes one or to more of rules and references heuristically based

upon experience of an expert (Cajolet on col. 4, lines 64-67, see figure 3 teaches the GUI

consists of an imaging area, function area, and an NLE time line area for editing).

**Regarding dependent claim 18**, Cajolet discloses:

constructing, using the template and the first meta-data, a series of directions which refer

to at least one of (a) segments of the at least one data set, (b) segments of the template, and (c)

other information; and resolving the references thereby to compile the directions into the set of

instructions (Cajolet on col. 3, lines 5-21 and on col. 6, lines 29-52  teaches using a NLE time

line area to determine the positioning (meta-data) and sizing (meta-data) of the clip object

relative to the time line; within the time line area the duration of the clips can be altered by the

user; the changes made to the clips are applied the appropriate parameters of the elements).

### *Response to Arguments*

13.     Applicant's arguments with respect to claims 1-5, 7, 11-13, 15, 17-20, 24, and 26-29 have

been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

14.    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Almari Yuan whose telephone number is 703-305-5945. The

examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Feild, can be reached on 703-305-9792. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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April 3, 2004
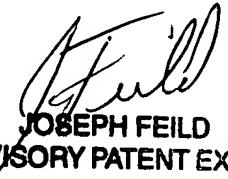
JOSEPH FEILD
SUPERVISORY PATENT EXAMINER